



**CONTRA COSTA
WATER DISTRICT**

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Division of Integrated Regional Water Management
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P.O. Box 942836
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**Subject: Comment Letter - Draft 2014 IRWM Drought Grant Program
Guidelines and Proposal Solicitation Package**

Dear Mr. Wallace:

This comment letter is provided on behalf of the East Contra Costa County (ECCC) Integrated Regional Water Management group in response to the California Department of Water Resources (DWR) draft Proposal Solicitation Package (PSP) and draft Guidelines for the 2014 Integrated Regional Water Management (IRWM) Drought Solicitation Implementation Grant Program funded by Proposition 84. This letter addresses the added requirements on the California Statewide Groundwater Elevation Monitoring (CASGEM) program.

The draft PSP and Guidelines released in April 2014 reference CASGEM compliance for high and medium priority groundwater basins as an eligibility requirement for drought grant funding. Apart from the fact that priority basin rankings were just released in January and are in draft form, it appears that the draft PSP does not accurately reflect the California Water Code (CWC) in its summary of CWC Section 10927 and CWC 10933.7 for purposes of this solicitation.

The CWC 10933.7(a) text is inserted below:

10933.7. (a) If the department is required to perform groundwater monitoring functions pursuant to Section 10933.5, the county and the entities described in subdivisions (a) to (d), inclusive, of Section 10927 shall not be eligible for a water grant or loan awarded or administered by the state.

CWC 10927 (a) through (d) text is inserted below:

10927. Any of the following entities may assume responsibility for monitoring and reporting groundwater elevations in all or a part of a basin or subbasin in accordance with this part:

- (a) A watermaster or water management engineer appointed by a court or pursuant to statute to administer a final judgment determining rights to groundwater.
- (b) (1) A groundwater management agency with statutory authority to manage groundwater pursuant to its principal act that is monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010.

(2) A water replenishment district established pursuant to Division 18 (commencing with Section 60000). This part does not expand or otherwise affect the authority of a water replenishment district relating to monitoring groundwater elevations.
- (c) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to Part 2.75 (commencing with Section 10750) and that was monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010, or a local agency or county that is managing all or part of a groundwater basin or subbasin pursuant to any other legally enforceable groundwater management plan with provisions that are substantively similar to those described in that part and that was monitoring groundwater elevations in all or a part of a groundwater basin or subbasin on or before January 1, 2010.
- (d) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to an integrated regional water management plan prepared pursuant to Part 2.2 (commencing with Section 10530) that includes a groundwater management component that complies with the requirements of Section 10753.7.

In contrast, the PSP states the following with regard to CASGEM requirements and grant eligibility:

For the high and medium priority basins that do not have a CASGEM monitoring entity, the grant applicant and project proponent that match the list of potential monitoring entities identified in CWC §10927, along with the counties whose jurisdictions include unmonitored high and medium priority basins, will not be eligible to receive 2014 IRWM Drought grant funding (CWC §10933.7(a)).

This appears to expand the list of entities that can be excluded from state grant funds to those listed in 10927 (a) through (g), versus the reference in CWC 10933.7(a) which includes the county and entities listed in (a) through (d), inclusive.

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In addition, CWC 10933.7(a) makes ineligibility for water grants or loans conditioned upon DWR determining that it must perform groundwater monitoring pursuant to Section 10933.5 and notifying the applicable entities that it is forming the groundwater monitoring district. We are not aware of any such notification occurring in Contra Costa County to either the County or well owners in the affected area(s).

Given that priority basin rankings were just released in January 2014 and are in draft form, the draft PSP and Guidelines are not consistent with the California Water Code, and further given the Governor's and State Legislature's call for accelerated funding for drought relief, it is strongly recommended that the CASGEM compliance requirement be removed from the PSP and Guidelines. Given the severity of the drought and the additional time needed to address CASGEM compliance, we recommend that DWR consider all drought relief projects, with or without CASGEM compliance, to be eligible for drought funding.

Thank you for considering these comments. If you have any questions, please contact Mr. Jeff Quimby, Contra Costa Water District Planning Manager, at (925) 688-8310.

Sincerely,



Jerry Brown
General Manager

JB/JQ/rlr